Concept of work of the UN Open-ended Working Group on security of and in the use of information and communications technologies 2021–2025

Pursuant to the UN General Assembly resolution No.75/240 of 31 December 2020, and considering the outcomes of the UN Open-ended Working Group (OEWG) on developments in the field of information and telecommunications in the context of international security, this year, a new UN OEWG on security of and in the use of information and communications technologies (ICTs) 2021–2025 is established.

The main idea is to anchor in the UN structure, for a long run, an inclusive mechanism that will allow States to hold systemic and theme-specific discussions on the whole range of issues of ensuring international information security. This way of organizing the negotiation process will impede "eroding" the topic and shifting the emphasis on secondary matters.

I. Goals and objectives

Strategic goal: to foster the consolidation of an approach based on prevention of conflicts among States in the global information space and its militarization, as well as on promotion of peaceful use of ICTs, at the international level.

Other political objectives: to strengthen international peace and security, to enhance trust among States and other interested parties in issues of ICT-security, to build constructive and mutually beneficial relations with representatives of businesses, non-governmental organizations (NGOs) and academia.

II. Organizational issues

Participants of the process:

- the UN Member States;

- other interested parties, including businesses, NGOs with ECOSOC consultative status and academia (on a non-objection basis and not participating in the decision-making process of the Group).

Working schedule:

2021: organizational session – 1-2 June, first substantive session – 6-10 December;

2022: substantive sessions in March and September (months and dates to be confirmed);

2023: substantive sessions in March and September (months and dates to be confirmed);

2024: substantive sessions in March, June and September (months and dates to be confirmed);

2025: substantive sessions in February and April; final session — in June (months and dates to be confirmed).

All OEWG substantive sessions are held at the UN Headquarters in New York, which fully corresponds to the inclusive and democratic spirit of the Group, because all UN Member States are represented there. This schedule of sessions and their venue were endorsed in the report of the UN Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for 2021 (of 9 December 2020). The allocation of necessary funds for 2021 was approved by the UN General Assembly on 31 December 2020.

Reporting:

- annual progress reports to the UN General Assembly (in order to avoid lengthy annual discussions on progress reports the possibility of issuing them as Chair's summaries should not be excluded);

- final report to the UN General Assembly at its eightieth session on the results of work of the OEWG (to be adopted by consensus no later than July 2025 through text-based negotiations).

The Chair will circulate the draft report well in advance before the final session of the Group to give the States enough time for consultations on the text. The template of progress and final reports will be decided by States.

Method of decision-making: consensus.

III. Organization of work

We suggest structuring the relevant OEWG discussions through establishing specialized thematic subgroups (dialogues/ negotiating clusters/ sections). This possibility is envisaged in the UNGA resolution No.75/240 in order to promote in-depth and streamlined exchange of views on certain aspects of the OEWG mandate. The progress in discussing each of them does not need to be simultaneous: the negotiation process can develop at different speeds depending on a specific topic.

This discussion format is new for the issues of ICT-security, while at the same time it echoes the basic principle of the organization of work of the UN General Assembly and its main committees mandated to consider specific thematic clusters.

In order to preserve the coherence of the OEWG format and to guarantee that its mandate is strictly implemented, every 5-day substantive session (except for the sessions in April and June 2025 that will be dedicated to negotiating and adopting the final report) may be held in the following consecutive way:

- first meeting of each session: general plenary – official opening of the session,

- first 3-4 days of each session: consecutive meetings of thematic subgroups according to their agendas (all interested States can participate in every subgroup; the same experts can take part in different subgroups),

- last 1-2 days of each session: general plenary OEWG meetings with the participation of all interested UN Member States – to review the results of thematic discussions and/or to consider and adopt progress reports and the final report of the Group.

This organization of work will allow coordinating the activities of subgroups, as well as give all delegations equal opportunities to follow the discussions of the OEWG as a whole. At the same time the Chair will be able to exercise necessary control over the Group and manage its work, to modify its direction, if appropriate, and have maximum information for preparing draft reports.

Pursuant to the OEWG mandate set forth in the UN General Assembly resolution No.75/240, in practice the Group's structure could look as follows:

Name of thematic subgroup	Objectives
1) Priority subgroup on the study of threats, development and implementation of rules of responsible behaviour of States (in the context of the agenda of the UNGA First Committee – international peace and security) *This subgroup will enjoy priority, given the mandate of the OEWG.*	- to continue to study existing and potential threats in the sphere of information security, inter alia, data security, and to assess a range of factors that foster escalation, including the anonymity of actions in information space; - to undertake further work on universal rules, norms and principles of responsible behaviour of States in information space; - to study the possibility of elaborating norms of legally-binding nature; - to promote the implementation of norms; - to further discuss the proposals on rules of behaviour made by States within the first OEWG.
2) Subsidiary subgroup on applicability of international law to the use of ICTs *(with participation of NGOs and academia, in particular, international legal experts)*	- to elaborate common understanding on how international law applies to the use of ICTs by States by means of clarifying practical aspects of application of the existing international legal instruments and defining the legal relationships between States that remain unregulated; - to elaborate common understandings and define ways for international legal regulation of the use of ICTs at the global level; - to develop universal terminology in the area of security of and in the use of ICTs.
3) Subsidiary subgroup on confidence-building measures	- to elaborate a set of voluntary confidence-building measures in the area of ICT-security that take into account each State's characteristics and capacities.
4) Subsidiary subgroup on capacity-building *(with participation of businesses and NGOs)*	- to develop universal principles and programs aimed at promoting capacity-building for developing countries in the area of ICT-security under the UN auspices; - to agree on ways of ensuring provision of assistance and cooperation by States and

	private actors alike, upon request of each recipient State, taking into account its specific needs and particularities; - to study possible forms and mechanisms for development of public-private partnerships in the area of ICT-security and to exchange expertise in this domain; - to elaborate specific measures for regulating the activities of IT companies in the digital field.
5) Subsidiary subgroup on regular institutional dialogue *(with participation of businesses, NGOs and academia)*	- to decide on a future format for regular institutional dialogue on international information security under the UN auspices, and to study the prospects of the OEWG in this regard; - to discuss other relevant initiatives of States, including the UN Programme of Action on the international security aspects of ICTs and responsible behaviour of states in their use of ICTs.

The UN Member States can decide to create additional subgroups, if needed, for a more thorough consideration of specific aspects of the OEWG mandate, in particular, initiatives of States aimed at ensuring security in the use of ICTs.

We do not exclude the possibility of some States suggesting the creation of a separate subgroup on humanitarian aspects of information security (with participation of NGOs and academia). By way of compromise, we can consent to the establishment of this subgroup with a view to channeling the discussion of issues that are not directly related to the competence of the UNGA First Committee (sustainable development, human rights, gender issues, etc.) therein. This subgroup could also contribute to refining the mechanisms of academia's participation in the international discussions on ICT-security.

The new OEWG process allows for intersessional work, primarily, intersessional thematic events held as informal online consultations, including with participation of a broader range of NGOs as observers.

IV. Chairmanship

The chair of the OEWG, in charge of the overall management of the Group's work, is elected by States on the basis of consensus at the organizational session. During this session States also elect the heads / moderators of thematic subgroups in the status of vice-chairs. Senior officials (chair / vice-chairs) of the Group may be substituted only in extraordinary circumstances (inability to execute his/her duties) and by consensus. The chair and vice-chairs will hold the main responsibility for the dynamics of the negotiations within the OEWG.

With a view to maintaining the truly democratic spirit of the negotiation process it would be reasonable to choose the senior officials of the Group following the principle of political and geographic diversity. In this vein, discussions on capacity-building could be headed by a representative of a developing country. They could also be co-chaired by a State-donor and a State-recipient. Negotiations on humanitarian aspects of ICT-security (in case a respective subgroup is established) could be taken over by those States that are most active in this matter. The discussion on issues of the applicability of international law should be moderated by a neutral State which possesses the necessary expertise in this domain.